

KATTEN MUCHIN & ZAVIS

525 WEST MONROE STREET • SUITE 1600

CHICAGO, ILLINOIS 60606-3693

TELEPHONE (312) 902-5200

TELECOPIER (312) 902-1061

TELEX 298264 ATLAU UR

STUART N. GREENBERGER
(1932 - 1986)

GERALD H. GALLER
(1934 - 1987)

1420 KENSINGTON ROAD
OAK BROOK, ILLINOIS 60521-1
TELEPHONE (312) 571-8100

WRITER'S DIRECT DIAL NUMBER
902-5275

10503

April 22, 1988

VIA MESSENGER

Ms. Susan Swales (5 HE-12)
United States Environmental Protection Agency
Region V
Waste Management Division -
CERCLA Enforcement Section
230 S. Dearborn Street
Chicago, Illinois 60604

Re: 9th Avenue Dump, Gary Indiana -
U.S. Scrap, Chicago, Illinois

US EPA RECORDS CENTER REGION 5



Dear Ms. Swales:

We represent Hannah Marine ("Hannah"). Hannah responds to the United States Environmental Protection Agency's ("USEPA") letter request for information and formal demand for reimbursement of costs of March 9, 1988. Hannah has made a good faith effort to respond to USEPA's demands. Hannah also has made all reasonable attempts to answer each request as fully as possible. These efforts have included an exhaustive search for documents and the examination of appropriate employees. The information conveyed in this letter is an accurate reflection of the results of Hannah's investigation.

Hannah's response to inquiries requiring written answers are set forth below. There are no documents responsive to USEPA's requests for records.

REQUEST No. 1:

Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Sites or to the Sites, or who may have arranged for disposal through any of the following persons or organizations: 1) Steve Martell, 2) U.S. Scrap Corp., 3) Liquid Engineering, 4) U.S. Drum Corp., 5) U.S. Drum Disposal, 6) David Head.

a. The persons with whom you or such other person made such arrangements;

KATTEN MUCHIN & ZAVIS

Ms. Susan Swales
United States Environmental Protection Agency
April 22, 1988
Page 2

b. Every date on which such arrangements took place;

c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

d. The owner of the waste materials or hazardous substances so accepted or transported;

e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f. All tests, analyses, and analytical results concerning the waste materials;

g. The person(s) who selected the Sites as the place to which the waste materials or hazardous substances were to be transported;

h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

j. Whether the waste materials or hazardous substances involved in each transaction were transhipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k. What was actually done to the waste materials or hazardous substances once they were brought to the Sites;

l. The final disposition of each of the waste materials or hazardous substances involved in such transactions.

KATTEN MUCHIN & ZAVIS

Ms. Susan Swales
United States Environmental Protection Agency
April 22, 1988
Page 3

RESPONSE No. 1:

To the best of Hannah's knowledge or information, there are no individuals at Hannah who arranged for disposal or treatment or arranged for the transportation for disposal or treatment of waste materials through Steve Martell, U.S. Scrap Corporation, Liquid Engineering, U.S. Drum Corporation, U.S. Drum Disposal or David Head. Following an exhaustive search for records, Hannah as found no documents, records or other information reflecting any connection with Steve Martell, U.S. Scrap Corporation, Liquid Engineering, U.S. Drum Corporation, U.S. Drum Disposal or David Head. The individuals at Hannah who would have been responsible for waste disposal are David Updegraff and Joseph Barnas. Neither, Messrs. Updegraff nor Barnas has any recollection of any contacts with the Sites, businesses or individuals referred to above.

REQUEST No. 2:

Provide copies of all shipping documents, or other business documents including receipts relating to the transportation, storage and/or disposal of waste material at the above referenced Sites or with the following businesses and persons:

U.S. Scrap Corp.
Liquid Engineering
U.S. Drum Corp.
U.S. Drum Disposal
Steve Martell
David Head

KATTEN MUCHIN & ZAVIS

Ms. Susan Swales
United States Environmental Protection Agency
April 22, 1988
Page 4

RESPONSE No. 2:

Hannah has no shipping documents or other business documents, including receipts, relating to transportation, storage or disposal of waste material, at the Sites or with the business entities or individuals identified in USEPA's letter.

REQUEST No. 3:

Provide a list and description of all liability insurance coverage that is or was carried by you, including any self-insurance provisions that relate to hazardous substances and/or the Sites identified above:

The relevant time period for this information is 1965 to 1977, inclusive.

RESPONSE No. 3:

Hannah is in the process of investigating its insurance coverage for all environmental matters. Because it finds no connection to the Sites, businesses or individuals, Hannah has not submitted documents responsive to this request. Presently, Hannah has the insurance coverage listed below and will make the policies available to USEPA if, after reviewing this letter, USEPA continues to deem the production of these policies necessary.

- Fireman's Fund, Policy No. 2-64-MXP-457-73-65. 7/14/82 to 6/9/85;
- Fireman's Fund, Policy No. 2-64-MXX-80079578. 6/9/85 to 6/9/86;
- Fireman's Fund, Policy No. 2-64-MXX-80139960. 6/9/86 to 6/9/87; and

KATTEN MUCHIN & ZAVIS

Ms. Susan Swales
United States Environmental Protection Agency
April 22, 1988
Page 5

- \$5,000,000 Umbrella Policy currently in effect for the facility.

No response to any of the requests is intended to be an admission that USEPA is lawfully entitled to the information as requested, or that any particular action by Hannah subjects it to any statutory, regulatory or other requirement, and shall not be so understood. The written statements are notarized and submitted under the signature of a duly authorized corporate official certifying that all information contained in such statements is true and accurate to the best of the signatory's knowledge and belief and that a diligent search for all documents responsive to the requests has been completed. The original certification is attached. However, neither 42 U.S.C. Section 9604(e), nor 42 U.S.C. Section 6927 contains a requirement for such a signature or certification. Hannah's agreement to provide the signature and certification is not intended to be an admission that USEPA has the authority to require it, or that Hannah is subject to any statutory, regulatory or other requirement, and shall not be so understood. Hannah waives no rights in responding to the information requests.

Finally, in response to USEPA's request for a response about Hannah's willingness to perform or finance the activities described in USEPA's letter, Hannah provides that it will cooperate with USEPA so long as it is compelled to do so under law and to the extent USEPA finds the assistance of Hannah beneficial. However, Hannah's exhaustive search for information reveals no evidence of any connection with the Sites, businesses or individuals identified in your letter. Accordingly, at this time, Hannah will not perform or finance the activities described in your letter.

Obviously, if you have any questions or comments, please contact me.

Very truly yours,

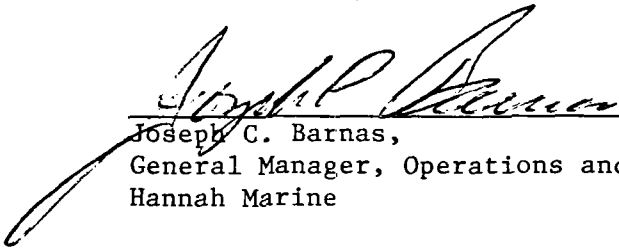

Anthony G. Giglio

AGG:lp

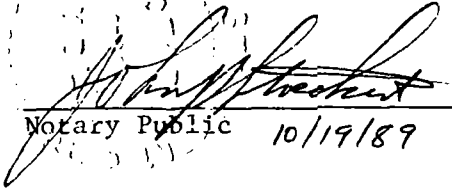
cc: Edward Kowalski - USEPA Office
of Regional Counsel

CERTIFICATION

I certify that all information contained in the statement submitted to the United States Environmental Protection Agency in the letter of April 22, 1988, signed by Anthony G. Giglio of Katten Muchin & Zavis is true and accurate to the best of my knowledge and belief and that a diligent search for all documents responsive to the requests has been completed.


Joseph C. Barnas,
General Manager, Operations and Traffic
Hannah Marine

SUBSCRIBED AND SWORN to before me
this 21st day of April, 1988


Notary Public

10/19/89

ST CLASS FIRST CLASS FIRST CLASS FIRST CLASS FIRST CLASS

EN MUCHIN & ZAVIS

ST MONROE STREET • SUITE 1600
CHICAGO ILLINOIS 60606-3693

KATTEN MUCHIN & ZAVIS

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

525 WEST MONROE STREET • SUITE 1600

CHICAGO, ILLINOIS 60606-3693

Ms. Susan Swales (5HE-12)
United States Environmental Protection
Agency - Region V
Waste Management Division
CERCLA Enforcement Section
230 S. Dearborn Street
Chicago, IL 60604

First Class
Class Mail

FROM KATTEN, MUCHIN & ZAVIS			CONTROL NO. RIN 1123-88
SUBJECT AND DATE FREEDOM OF INFORMATION <i>Kawalski</i>			DATE REC'D 4-26-88
			DUE DATE 5-10-88
REFERRED (1) SUPERFUND	(2)	(3)	(4)
DATE 4-25-88			
REPLY SENT TO If fee is charged, copy to EIR			DATE RELEASED
REMARKS Signature: Division Director or Branch Chief DO or PA (Denial) ORC Concurrence Required Copy to: Public Affairs			ACKNOWLEDGED - DATE <input type="checkbox"/>
			NO ANSWER NEEDED <input type="checkbox"/> (Explain in remarks)

EPA Form 5180-1 (6-72)
REPLACES FWPCA FORM 72 AND
HEW-73 WHICH MAY NOT BE USED.
* GPO: 1983-418-820

(Remove this copy only, do not separate remainder.)

MAIL CONTROL SCHEDULE

U.S. GOVERNMENT PRINTING OFFICE: 1984-457-508/28007